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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Advanced Television Systems)
and Their Impact Upon the)
Existing Television Broadcast)
Service)

MM Docket No. 87-268

To: The Commission

**JOINT REPLY TO OPPOSITION TO
PETITIONS FOR RECONSIDERATION**

Sangre de Cristo Communications, Inc. ("SCC"), licensee of Television Station KOAA(TV), Pueblo, Colorado, and its parent company, Cordillera Communications, Inc. ("Cordillera"), by their attorneys, hereby submit their Joint Reply to the Opposition of AK Media Group, Inc. to SCC's and Cordillera's Petitions for Reconsideration of the FCC's Sixth Report and Order in the above-captioned proceeding.^{1/} AK Media Group, Inc. ("KKTV") is the licensee of Television Station KKTV(TV), Colorado Springs, Colorado. As evidenced by its Opposition, KKTV has long sought through the filing of meritless and repetitive pleadings to prevent SCC from improving KOAA(TV)'s competitive position in and coverage of the Colorado Springs-Pueblo television market. Its Opposition is no different and warrants no consideration by the Commission.

I. SCC's Petition for Reconsideration.

Unlike KKTV, SCC has no desire to bore the Commission with the details of prior and unrelated proceedings involving KOAA(TV). The question is whether the FCC should

^{1/} Sixth Report and Order, MM Docket No. 87-268, FCC 97-115 (released April 21, 1997) ("Sixth R&O").

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reconsider its decision to allot KOAA(TV) DTV channel 27 using the station's current coordinates. In its Petition for Reconsideration, SCC requested that the Commission assign the same DTV channel but specify the site coordinates 38-44-43.3 N. Latitude, 104-51-41.3 W. Longitude so that KOAA(TV) could maximize its DTV service to Pueblo and Colorado Springs and compete on a more even footing with KKTU and other competitors in the market. KKTU argues that the Commission should deny SCC's petition because (a) SCC's request is inconsistent with the Sixth R&O, and (b) KOAA(TV) would not be able to provide service to existing viewers. Neither of these arguments has any merit.

KKTU faults SCC for filing a petition for reconsideration instead of FCC Form 301 to change its DTV site coordinates. Without any support, KKTU claims that the filing of a petition for reconsideration is not a permissible way for SCC to request a change in the technical parameters of its DTV allotment. KKTU apparently has missed the point of petitions for reconsideration. Parties file such petitions because they do not agree with action taken by the Commission and desire that the Commission reconsider its action. In this instance, SCC did not agree that its allotment should be based on its existing site coordinates and asked the FCC to reconsider this aspect of its decision. Moreover, the Sixth R&O does not prevent any broadcaster from seeking reconsideration of its particular channel assignment, power, tower height or tower coordinates, and KKTU has not cited any provision of the Sixth R&O which contains such a prohibition. In short, SCC was well

within its rights to petition the FCC to reconsider the site coordinates for KOAA(TV)'s proposed DTV allotment.^{2/}

KKTV's arguments regarding the merits of SCC's Petition are even more absurd, demonstrating its desperation to forestall any enhanced competition in the Colorado Springs-Pueblo market. First, KKTV claims that SCC "glosses over" the fact that OET Bulletin No. 69 was not available before petitions for reconsideration were due and therefore was not used by SCC in completing its engineering analysis. Yet, and as KKTV admits, SCC did state in Footnote 2 of its Petition that OET Bulletin No. 69 was necessary for SCC to assess more completely the feasibility of its operations on DTV Channel 27 from Cheyenne Mountain. SCC also stated that if its analysis changed as a result of using OET Bulletin No. 69, it would supplement its Petition. It is hard to see how SCC's clear and unequivocal statements about the unavailability and proposed use of OET Bulletin No. 69 was a "gloss over."

Second, KKTV argues that KOAA(TV) should not be permitted to relocate its DTV transmitter site because there would be a loss of service to existing viewers. In support of this argument, KKTV provides no engineering analysis, no population studies, no analysis whatsoever.^{3/} Instead, it cites to a prior Commission decision, currently on appeal, where the Commission found that KOAA(TV)'s proposed NTSC service from Cheyenne Mountain

^{2/} It also should be noted that SCC requested a relocation of KOAA's DTV site coordinates through the local coordination committee but never received a response. See Engineering Statement of Cohen, Dippell & Everist, P.C. at 4, attached as Exhibit B to the Petition for Reconsideration of Cordillera Communications, Inc. (June 13, 1997) ("Cordillera Petition").

^{3/} KKTV does not even acknowledge that it has failed to provide any technical data in support of its arguments much less "gloss over" it.

could result in a loss of service.^{4/} That earlier decision has nothing to with the station's proposed DTV operations and therefore is wholly irrelevant to the instant proceeding. KKTV's claims on loss of service simply have no basis in fact or precedent.

II. Cordillera's Petition for Reconsideration.

KKTV's objections to Cordillera's Petition for Reconsideration are equally unsupported. KKTV claims that Cordillera's Petition should be denied because it asked for greater protection for LPTV and TV translator stations and the Commission has already said it would address LPTV and translator issues in a separate proceeding. KKTV has not only missed the point but it has misread the Sixth R&O. The Commission did address a number of issues involving LPTV and TV translator stations in its Sixth R&O and made a number of rule changes. See Sixth R&O ¶¶ 114-147. Cordillera supported many of these rule changes but believed the Commission had not gone far enough.^{5/} Although the Commission said it would address certain LPTV and translator issues in a separate proceeding, Cordillera was well within its rights to ask the Commission to reevaluate the approach taken in the Sixth R&O. KKTV's objection simply makes no sense.

^{4/} Memorandum Opinion and Order, Amendment of Section 73.606(b), Table of Allotments, TV Broadcast Stations (Pueblo, Colorado), 11 FCC Rcd 19649 (1996), appeal pending, United States Court of Appeals for the District of Columbia Circuit Case No. 97-1030.

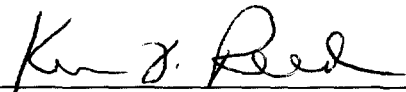
^{5/} See Cordillera Petition at 7-8.

III. Conclusion.

KKTV has provided no basis for its assertion that SCC's and Cordillera's Petitions for Reconsideration are not in the public interest. Both petitions were properly filed and present legitimate issues for the Commission's consideration. The relocation of KOAA(TV)'s proposed DTV operations to Cheyenne Mountain -- the principal and preferred tower site for broadcasters in the market -- will permit this station to maximize its coverage of and ensure enhanced competition in the Pueblo/Colorado Springs television market. The fulfillment of both of these objectives serves the public interest. Accordingly, KKTV's Opposition should be dismissed and Cordillera's and SCC's Petitions for Reconsideration granted.

Respectfully submitted,

SANGRE DE CRISTO COMMUNICATIONS, INC.
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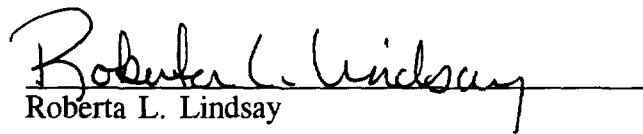
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July 30, 1997

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing "Joint Reply to Opposition to Petitions for Reconsideration" was sent this 30th day of July, 1997, via first-class, United States mail, postage prepaid, to the following:

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